

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

ALEXANDER G. SCHNEIDER,

Plaintiff,

v.

FLYING J TRANSPORTATION, et al.

Defendants.

2:05-CV-895-BES-LRL

**ORDER**

On April 24, 2006, Defendants Flying J Transportation L.L.C. and Flying J Inc. ("Defendants") filed a Motion for Summary Judgment (# 20). Plaintiff Alexander G. Schneider did not file an opposition. For the following reasons, Defendants' Motion for Summary Judgment is granted.

Local Rule 7-2(d) states that "[t]he failure of an opposing party to file points and authorities in response to any motion shall constitute a consent to the granting of the motion." However, "a nonmoving party's failure to comply with local rules does not excuse the moving party's affirmative duty under Rule 56 to demonstrate its entitlement to judgment as a matter of law." See Martinez v. Stanford, 323 F.3d 1178, 1182 (9th Cir. 2003) (citing Fed. R. Civ. P. 56). The Court has fully considered Defendants' Motion for Summary Judgment, the evidence presented, and applicable law. Defendants have affirmatively demonstrated their entitlement to summary judgment by showing that there is no genuine issue of material fact and they are entitled to judgment as a matter of law. Good cause appearing,

1 IT IS HEREBY ORDERED that Defendants' Motion for Summary Judgment (#20) is  
2 GRANTED. The clerk of the court shall enter final judgment accordingly.

3 DATED: This 3<sup>rd</sup> day of January, 2007.

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UNITED STATES DISTRICT JUDGE  
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